

JACOBSON, RUSSELL, SALTZ, NASSIM & DE LA TORRE LLP

Michael J. Saltz, Esq. SBN 189751 [msaltz@jrsnd.com]

Colby A. Petersen, Esq. SBN 274387 [cpetersen@jrsnd.com]

1880 Century Park East, Suite 900

Los Angeles, CA 90067

Telephone: (310) 446-9900

Fax: (310) 446-9909

Attorneys for Defendant On-Site Manager, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL JONES, an individual,

Plaintiff,

v.

ON-SITE MANAGER, INC., a
California corporation; QUALFAX,
INC., a California corporation; KIPLING
VILLAGE, LLC, a Colorado limited
liability company, and DOES 1 through
10, inclusive,

Defendants.

Case No.: 5:17-cv-01437-BLF

**DECLARATION OF MICHAEL J.
SALTZ IN SUPPORT OF
DEFENDANT ON-SITE
MANAGER, INC.'S NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO *FED.
R. CIV. PROC.* 12(b)(6);**

Complaint filed: June 21, 2016

Hearing Date: August 24, 2017

Time: 9:00 a.m.

Courtroom.: 3

Judge: Hon. Beth Labson
Freeman

DECLARATION OF MICHAEL J. SALTZ, ESQ.

I, Michael J. Saltz, do declare:

1. I am an attorney at law duly licensed to practice before all courts of the State of California, and if called upon to testify, I could and would competently do so of my personal knowledge thereof. I am a partner in the law firm of Jacobson, Russell,

1 Saltz, Nassim & de la Torre, LLP the attorneys of record for Defendant On-Site
2 Manager, Inc. (“Defendant”, “On-Site”).

3 2. Attached hereto as **Exhibit “1”** is a true and correct copy of the subject
4 Rental Report for Michael Jones issued by On-Site, dated June 21, 2014 and
5 referenced throughout Plaintiff’s operative complaint.

6
7 I declare under the penalty of perjury of the United States of America that the
8 foregoing information is true and correct

9
10 DATED: July 17, 2017

11 By: /s/ Michael J. Saltz
12 Michael J. Saltz
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JACOBSON, RUSSELL, SALTZ, NASSIM & DE LA TORRE, LLP
1880 Century Park East, Suite 900
Los Angeles, California 90067
Tel. 310.446.9900 • Fax 310.446.9909

EXHIBIT “1”

Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Rental Report for Michael Jones**Overall Recommendation****DECLINE**

This application does not meet one or more of your requirements that is set to "Pass/Fail". This recommendation has been automatically set to Decline. The Overall Recommendation was derived solely from your community's leasing criteria. On-Site makes no independent assessment of an applicant's qualifications.

Application **Rejected** by Kristina Sorency on 6/26/2014.

Score for Michael Jones: DECLINE

	Importance	Pass	Fail
Total monthly income to rent ratio exceeds 2.5	Very		✓
Gross monthly income after rent and estimated debt exceeds \$1,000.00	Very		✓
Maximum percentage of past due negative accounts is less than 25.0%	Moderately	✓	
Unpaid collections and grossly delinquent past due balances do not exceed \$2,000.00	Moderately	✓	
May have been through a bankruptcy	Very	✓	
No Landlord Tenant Court records or landlord collections	Pass/Fail	✓	
Has not had more than 1 misdemeanor conviction in the last 4 years	Pass/Fail	✓	
Has not had any felony convictions	Pass/Fail		✓
Is not a registered sex offender	Pass/Fail	✓	

This report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. An applicant who is the subject of this report may obtain a free copy at any time by contacting On-Site Renter Relations. El solicitante que es objeto de este informe puede obtener una copia gratuita por contactar On-Site Renter Relations.

WARNINGS**APPLICANT: (Experian)****APPLICANT: Submitted Address Not In Records - ACTION REQUIRED (Experian)**

The bureau reports that the address supplied is invalid. This could indicate fraudulent activity; you should verify that the address supplied is valid. Before proceeding you must verify that the information in the report relates to the actual applicant in question as required by law under FCRA Section 605(h). Review our bulletin for information on compliance.

APPLICANT: Inquiry/On-File Current Address Conflict (Experian)

The applicant's address does not match the address on record with the credit bureau. This could indicate fraudulent activity; you should verify that the address supplied is valid. Before proceeding you must verify that the information in the report relates to the actual applicant in question as required under FCRA Section 605(h). Review our bulletin for information on compliance.

SPECIAL CONDITION: felony found

On-Site.com identified a felony on this report. This recommendation has been automatically set to Decline.



Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Credit Quick Summary		
Custom scoring for this report:		
Medical collections (<= \$2,000) not considered	Accounts with 1 30-day late payment or less are not considered negative	Accounts with less than \$200.00 past due are not considered negative
Total monthly income (reported by Applicant)	\$721.00	
Total monthly income to rent ratio	1.89 (based on rent of \$845.00)	
Estimated monthly debt payments	\$777.05 (108% of monthly income)	
Total number of accounts	12	
Accounts with no late payments	10 (0 unpaid past due)	
Accounts paid 30-59 days past due	1 (0 unpaid past due)	
Accounts paid 60-89 days past due	0 (0 unpaid past due)	
Accounts paid more than 90 days past due	1 (0 unpaid past due)	
Total outstanding balance	\$31,049.00 (\$0.00 past due)	
Outstanding revolving debt	\$666.00 (1% of limit) (\$0.00 past due)	
Outstanding loan balance	\$30,383.00 (\$0.00 past due)	
Bankruptcies, foreclosures, and legal items	1	
Collection total balance (includes past due)	\$1,937.00	
Landlord tenant court records found	0	

Identity	From Application	From Experian
Name:	Michael Jones	PITTS MICHAEL MICHAEL JONES MICHAEL A. PILLS MIKE PITTS MICHAEL A. PITTS
SSN:	513-64-****	513-64-****
Birth Date:	11/**/1957	12/**/1965
Driver's License #:	/ CO	

Addresses	From Application	From Experian
	440 Powder Run Central City, CO 80427 - US	PO BOX 681 CENTRAL CITY, CO 80427-0681 (Applicant) Reported 3/2014 8828 E FLORIDA AVE. # A DENVER, CO 80247-2871 (Applicant) Reported 2/2013 2712 BONANZA ST. LAWRENCE, KS 66046-5136 (Applicant) Reported 8/2007

Employment	From Application	From Experian
Applicant:	None None \$0.00/Mo. Total monthly Income: \$721.00	VESTCOM VESTCOM INT

Criminal History				
From On-Site.com				
Requested For Michael Jones	Location Searched Multi-State: AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WI, WV, WY	Period Searched All available records	Requested 6/21/2014	Returned 7/7/2014

Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Case Number 87CR95	Name on Record JONES, MICHAEL L MICHAEL L. JONES (AKA)		Birth Date 11/**/1957	Record Provider KANSAS DEPARTMENT OF CORRECTIONS		
	Charge 7/8/1991 - Felony (Guilty) MANUF,POSS,AD,DISTR,SALE DEPRES,STIM,HALL,STEROIDS	Offense Date 9/9/1987	Filed Date	Plea Date	Verdict Date	Disposition Date 7/8/1991
	Sentence Type		Sentence Begins	Duration		Release Date 7/8/1991

Requested For Michael Jones	Location Searched Colorado	Period Searched All available records	Requested 6/21/2014	Returned 6/21/2014
Results No Records Found				

Requested For Michael Jones	Location Searched Colorado	Period Searched All available records	Requested 6/21/2014	Returned 6/21/2014
Results No Records Found				

National Sex Offender Registry History		
From On-Site.com		
Requested For Michael Jones	Date Requested 6/21/2014	Date Returned 6/23/2014
Results No Records Found		

Landlord Tenant Court Records	
From On-Site.com	
There were no previous Landlord Tenant Court records found.	

OFAC SDN/Terrorist Watchlist Search		
From On-Site.com		
Requested For Michael Jones	Results No records found	Returned 6/21/2014

Risk Models		
From Experian		
Risk Model Name FICO (Experian) (Applicant)	Score 640	Score Factors Serious delinquency and public record or collection filed Length of time accounts have been established Length of time since legal item filed or collection item reported Proportion of balance to high credit on bank revolving or all revolving accounts
Description The FICO score is a widely used risk model that uses credit report data to predict the likelihood of default. It is used most often by banks and credit grantors. The FICO score range is between 300 and 850 (the higher the score, the less risky the consumer). In the most recent study, the median FICO score was 711.		

Bankruptcies					
From Experian					
Date 7/2005 (Applicant) US BKPT CT KS KANSAS C FEDERAL BLDG, KANSAS CITY, KS 66101 By mail only	Chapter 7	Status Discharged	Liability Amount	Assets Amount	Exempt Amount
Comments THE AMOUNT OWED WAS INCLUDED IN THE 'ORDER OF RELIEF.' DEBTOR NO LONGER LIABLE FOR DEBTS LISTED IN 'ORDER OF RELIEF.'					



Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Collections				
From Experian				
Client Name DISH NETWORK (Applicant) Collection Agency - ENHANCED RECOVERY CO L 8014 BAYBERRY RD, JACKSONVILLE, FL 32256 (800) 496-8941	Date 9/2013	Last Active	Orig. Amount \$842.00	Balance \$842.00
Comments ACCOUNT ASSIGNED TO COLLECTIONS				
Client Name DIRECTV (Applicant) Collection Agency - NCO FIN/09 507 PRUDENTIAL RD, HORSHAM, PA 19044 (215) 441-3000	Date 10/2011	Last Active	Orig. Amount \$776.00	Balance \$776.00
Comments ACCOUNT ASSIGNED TO COLLECTIONS				
Client Name COX COMMUNICATIONS COL (Applicant) Collection Agency - MID CONTINENT CREDIT S 3161 N ROCK RD STE B, WICHITA, KS 67226 (316) 721-6467	Date 5/2011	Last Active	Orig. Amount \$206.00	Balance \$206.00
Comments ACCOUNT ASSIGNED TO COLLECTIONS				
Client Name CENTURYLINK (Applicant) Collection Agency - EOS CCA 700 LONGWATER DR, NORWELL, MA 02061 (800) 886-9177	Date 3/2014	Last Active	Orig. Amount \$88.00	Balance \$88.00
Comments ACCOUNT ASSIGNED TO COLLECTIONS				
Client Name TOPEKA SHAWNEE COUNTY PUBLIC (Joint) Collection Agency - UNIQUE NATIONAL COLLEC 119 E MAPLE ST, JEFFERSONVILLE, IN 47130 (866) 514-7649	Date 7/2010	Last Active 8/2010	Orig. Amount \$55.00	Balance \$25.00
Comments ACCOUNT ASSIGNED TO COLLECTIONS				

Credit Accounts							
From Experian							
Account Name ENVISTA CREDIT UNION (Applicant) ENVISTA CREDIT UNION 3626 SW WANAMAKER RD, TOPEKA, KS 66614 (785) 228-0149	Opened	Last Active	30-59	60-89	90+	Past Due	Balance
	1/2013	5/2014	0	0	0	\$0.00	\$13,698.00
	Monthly Payment	High Credit	Type	Comments			
	\$394.00	\$18,285.00	INSTALLMENT	AUTO LOAN THIS IS AN ACCOUNT IN GOOD STANDING			
Payment History							
<div><div>0000000000000000</div><div>6/144/142/1412/1310/138/136/134/13</div></div>							
Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened	Last Active	30-59	60-89	90+	Past Due	Balance
	8/2012		0	0	0	\$0.00	\$3,443.00
	Monthly Payment	High Credit	Type	Comments			
		\$3,071.00	INSTALLMENT	THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED			
Payment History							
<div><div>0**000000000000000000</div><div>5/143/141/1411/139/137/135/133/131/1311/129/12</div></div>							

Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened 2/2013	Last Active	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$3,181.00																													
	Monthly Payment	High Credit \$2,929.00	Type INSTALLMENT	Comments THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED																																
	Payment History <table><tr><td>0</td><td>*</td><td>*</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>5/14</td><td>3/14</td><td></td><td>1/14</td><td>11/13</td><td>9/13</td><td>7/13</td><td>5/13</td><td>3/13</td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>							0	*	*	0	0	0	0	0	0	0	0	0	0	0	0	5/14	3/14		1/14	11/13	9/13	7/13	5/13	3/13					
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Account Name ENVISTA CREDIT UNION (Applicant) ENVISTA CREDIT UNION 3626 SW WANAMAKER RD, TOPEKA, KS 66614 (785) 228-0149	Opened 8/2013	Last Active 5/2014	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$2,978.00																	
	Monthly Payment \$271.00	High Credit \$6,000.00	Type INSTALLMENT	Comments AUTO LOAN THIS IS AN ACCOUNT IN GOOD STANDING																				
	Payment History <table><tr><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>6/14</td><td>4/14</td><td></td><td>2/14</td><td>12/13</td><td>10/13</td><td></td><td></td><td></td></tr></table>							0	0	0	0	0	0	0	0	0	6/14	4/14		2/14	12/13	10/13		
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Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened 8/2012	Last Active	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$2,410.00																																							
	Monthly Payment	High Credit \$2,334.00	Type INSTALLMENT	Comments THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED																																										
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Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened 5/2012	Last Active	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$2,287.00																																							
	Monthly Payment	High Credit \$2,000.00	Type INSTALLMENT	Comments THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED																																										
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Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened 2/2013	Last Active	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$1,203.00																													
	Monthly Payment	High Credit \$1,166.00	Type INSTALLMENT	Comments THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED																																
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Account Name DEPT OF ED/SALLIE MAE (Applicant) DEPT OF ED/SALLIE MAE 11100 USA PKWY, FISHERS, IN 46037 (800) 722-1300	Opened 5/2012	Last Active	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$1,183.00																																							
	Monthly Payment	High Credit \$1,166.00	Type INSTALLMENT	Comments THIS IS AN ACCOUNT IN GOOD STANDING STUDENT LOAN - PAYMENT DEFERRED																																										
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Account Name CAP ONE (Applicant) CAP ONE PO BOX 85520, RICHMOND, VA 23285 By mail only	Opened 6/2008	Last Active 6/2014	30-59 2	60-89 0	90+ 0	Past Due \$0.00	Balance \$666.00																																							
	Monthly Payment \$15.00	High Credit \$752.00	Type REVOLVING	Comments REVOLVING CHARGE ACCOUNT CURRENT ACCOUNT/WAS 30 DAYS PAST DUE DATE TWO TIMES																																										
	Payment History <table><tr><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>6/14</td><td>4/14</td><td></td><td>2/14</td><td>12/13</td><td>10/13</td><td>8/13</td><td>6/13</td><td>4/13</td><td>2/13</td><td>12/12</td><td>10/12</td><td>8/12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>							0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6/14	4/14		2/14	12/13	10/13	8/13	6/13	4/13	2/13	12/12	10/12	8/12						
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Rental Report for Michael Jones, 6/21/2014 at Kipling Village

Account Name CHASE (Applicant) CHASE 1 CHASE SQ, ROCHESTER, NY 14643 By mail only	Opened 11/2000	Last Active 1/2005	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$0.00
	Monthly Payment	High Credit \$66,649.00	Type INSTALLMENT	Comments UNKNOWN - CREDIT EXTENSION, REVIEW, OR COLLECTION ACCOUNT TRANSFERRED TO ANOTHER OFFICE			
	Payment History <div><div>-</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div></div> <div>1/ 05</div> <div>11/ 04</div> <div>9/ 04</div> <div>7/ 04</div> <div>5/ 04</div> <div>3/ 04</div> <div>1/ 04</div> <div>11/ 03</div> <div>9/ 03</div> <div>7/ 03</div> <div>5/ 03</div> <div>3/ 03</div>						
Account Name FORD CRED (Applicant) FORD CRED PO BOX BOX 542000, OMAHA, NE 68154 By mail only	Opened 2/2008	Last Active 9/2012	30-59 0	60-89 0	90+ 0	Past Due \$0.00	Balance \$0.00
	Monthly Payment	High Credit \$13,938.00	Type INSTALLMENT	Comments AUTO LOAN			
	Payment History <div><div>-</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div></div> <div>10/ 12</div> <div>8/ 12</div> <div>6/ 12</div> <div>4/ 12</div> <div>2/ 12</div> <div>12/ 11</div> <div>10/ 11</div> <div>8/ 11</div> <div>6/ 11</div> <div>4/ 11</div> <div>2/ 11</div> <div>12/ 10</div>						
Account Name CAP ONE (Applicant) CAP ONE PO BOX 5253, CAROL STREAM, IL 60197 (800) 477-6000	Opened 5/2006	Last Active 5/2008	30-59 1	60-89 1	90+ 3	Past Due \$0.00	Balance \$0.00
	Monthly Payment	High Credit \$0.00	Type REVOLVING	Comments ACCOUNT LEGALLY PAID IN FULL FOR LESS THAN THE FULL BALANCE			
	Payment History <div><div>-</div><div>-</div><div>*</div><div>*</div><div>-</div><div>-</div><div>5</div><div>4</div><div>3</div><div>2</div><div>1</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div><div>0</div></div> <div>6/ 08</div> <div>4/ 08</div> <div>2/ 08</div> <div>12/ 07</div> <div>10/ 07</div> <div>8/ 07</div> <div>6/ 07</div> <div>4/ 07</div> <div>2/ 07</div> <div>12/ 06</div> <div>10/ 06</div> <div>8/ 06</div>						

Previous Credit Inquiries	
From Experian	
3/2014	KROLL FACTUAL DATA/060 (Applicant)
9/2013	CHASE BANK NA (Applicant)
7/2013	ENVISTA CREDIT UNION (Applicant)
6/2013	LEXISNEXIS/RESIDENT DA (Applicant)